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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of :
Jeunink, et al. : DECISION ON APPLICATION
Application No. 10/712,264 : FOR PATENT TERM ADJUSTMENT
Filed: November 14, 2003 :
Atty. Dkt. No.: 081468-0306683 :
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed May 23, 2006.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

The correct patent term adjustment (PTA) at the time of the allowance is 49 days. The Office will adjust the PAIR screen to reflect that the PTA determination at the time of mailing of the Notice of Allowance reflects an adjustment of 49 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, mailed March 10, 2006, indicated that the PTA to date is two days. The instant application for patent term adjustment was timely filed May 23, 2006. Applicant requests that the PTA be corrected from two days to reflect an adjustment of 49 days.

A review of the application history reveals that as of the time of allowance, an adjustment of 49 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1).

The Office errantly reduced the adjustment 47 days, as argued by applicants, in connection with the amendment submitted July 21, 2005 in response to the supplemental non-final rejection mailed April 22, 2005. A non-final rejection was mailed March 4, 2005. The supplemental non-final rejection mailed April 18, 2005 set a new period of time for reply, to which applicants timely responded on July 21, 2005.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 49 days, as argued by applicants.

The required Patent Term Adjustment application fee of \$200.00 has been charged to applicants' Deposit Number, as authorized in the instant application for Patent Term Adjustment.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC: ADJUSTED TERM CALCULATOR